

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1229**

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**Introduced by Assembly Member Evans**

February 27, 2009

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An act to amend Section 20101 of the Public Contract 903.47 of the Welfare and Institutions Code, relating to ~~public contracts~~ juvenile court costs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1229, as amended, Evans. ~~Public contracts: local public agencies: prospective bidders.~~ Juvenile court costs.

*Existing law provides for the appointment of counsel to represent a minor in juvenile court proceedings, as specified. The father, mother, spouse, or other person liable for the support of the minor is liable to the county for those costs, except as specified.*

*Existing law authorizes the court, with the consent of the county and pursuant to the terms and conditions agreed upon by the court and the county, to designate a financial evaluation officer to make financial evaluations of liability for reimbursement pursuant to the provision governing liability for the cost to the county or the court of legal services rendered to a minor.*

*This bill would additionally authorize the court to designate a court financial evaluation officer to make evaluations of liability for reimbursement for the costs of legal services rendered to a minor. The bill would also require both the court financial evaluation officer and the county financial evaluation officer to follow the procedures set forth for county financial evaluation officers, as specified.*

~~(1) Existing law authorizes, with a specified exception, a public entity subject to specified laws governing public contracting by local agencies to require that each prospective bidder for a contract complete and submit to the entity a standardized questionnaire and financial statement in a form specified by the entity, including a complete statement of the prospective bidder's experience in performing public works.~~

~~This bill would, instead, require that the above-referenced questionnaire and financial statement be in a form prepared and provided to the public entity by the Contractors State License Board.~~

~~(2) Existing law requires the Department of Industrial Relations, in collaboration with affected agencies and interested parties, to develop model guidelines for rating bidders, and to draft the standardized questionnaire that may be used by public entities for purposes of laws regulating local public works projects, and requires the department, in developing the standardized questionnaire, to consult with affected public agencies, cities and counties, the construction industry, the surety industry, and other interested parties.~~

~~This bill would, instead, require the Contractors State License Board, in collaboration with affected agencies and interested parties, to develop guidelines for qualifying bidders, and prepare the standardized questionnaire that shall be used by public entities for purposes of laws regulating local public works projects, and would require the Contractors State License Board, in developing or revising the standardized questionnaire, to consult with affected public agencies, cities and counties, the construction industry, the surety industry, and other interested parties.~~

~~(3) Existing law requires any public entity requiring prospective bidders to complete and submit questionnaires and financial statements, as described, and to adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements, and specifies that the uniform system of rating prospective bidders shall be based on objective criteria.~~

~~This bill would require any public entity requiring prospective bidders to complete and submit questionnaires and financial statements, as described, and to adopt and apply a uniform system of qualifying bidders on the basis of the completed questionnaires and financial statements, and would require that the uniform system of qualifying prospective bidders be based on objective criteria, and take into account factors including, but not limited to, the size and contract volume of a~~

~~prospective bidder so as to equally apply qualifying factors on a weighted basis.~~

~~(4) Existing law authorizes a public entity to establish a process for prequalifying prospective bidders on a quarterly basis, and provides that a prequalification pursuant to this process shall be valid for one calendar year following the date of the initial qualification.~~

~~This bill would require that the prequalification pursuant to this process be valid for 3 calendar years following the date of initial prequalification if the public agency determines that the information in the prequalifying questionnaire has not substantially changed during the 3-year period. By imposing new duties on local agencies with respect to the process for qualifying bidders, the bill would impose a state-mandated local program.~~

~~The bill would also require the Contractors State License Board to develop and maintain a database of contractors and subcontractors that are qualified to bid on a public works projects that may be accessed by public entities subject to the above public contracting requirements.~~

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes-no.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 903.47 of the Welfare and Institutions  
2     Code is amended to read:

3     903.47. (a) The Judicial Council shall establish a program to  
4     collect reimbursements from the person liable for the costs of  
5     counsel appointed to represent parents or minors pursuant to  
6     Section 903.1.

7     (1) As part of the program, the Judicial Council shall:

8     (A) Adopt a statewide standard for determining the ability to  
9     pay reimbursements for counsel, which shall at a minimum include  
10    the family's income, their necessary obligations, the number of

1 individuals dependent on this income, and the cost-effectiveness  
2 of the program.

3 (B) Adopt policies and procedures allowing a court to recover  
4 from the money collected the costs associated with collecting  
5 delinquent reimbursements. The policies and procedures shall at  
6 a minimum limit the amount of money a court may recover to a  
7 reasonable proportion of the delinquent reimbursements collected  
8 and provide the terms and conditions under which a court may use  
9 a third party to collect delinquent reimbursements.

10 (2) The money collected shall be deposited as required by  
11 Section 68085.1 of the Government Code. Except as otherwise  
12 authorized by law, the money collected under this program shall  
13 be utilized to reduce caseloads, for attorneys appointed by the  
14 court, to the caseload standard approved by the Judicial Council.  
15 Priority shall be given to those courts with the highest attorney  
16 caseloads that also demonstrate the ability to immediately improve  
17 outcomes for parents and children as a result of lower attorney  
18 caseloads.

19 *(b) (1) The court may designate a court financial evaluation*  
20 *officer to make financial evaluations of liability for reimbursement*  
21 *pursuant to Section 903.1.*

22 ~~(b)~~

23 (2) With the consent of the county and pursuant to the terms  
24 and conditions agreed upon by the court and county, the court may  
25 designate a *county* financial evaluation officer to make financial  
26 evaluations of liability for reimbursement pursuant to Section  
27 903.1. ~~In processing reimbursement of payments pursuant to~~  
28 ~~Section 903.1, the court and financial evaluation officer shall~~  
29 ~~follow the procedures set forth for county financial evaluation~~  
30 ~~officers in subdivisions (b), (c), and (d) of Section 903.45.~~

31 *(3) In handling reimbursement of payments pursuant to Section*  
32 *903.1, the court financial evaluation officer and the county*  
33 *financial evaluation officer shall follow the procedures set forth*  
34 *for county financial evaluation officers in subdivisions (b), (c),*  
35 *and (d) of Section 903.45.*

36 ~~SECTION 1. Section 20101 of the Public Contract Code is~~  
37 ~~amended to read:~~

38 ~~20101. (a) Except as provided in Section 20111.5, a public~~  
39 ~~entity subject to this part may require that each prospective bidder~~  
40 ~~for a contract complete and submit to the entity a standardized~~

1 ~~questionnaire and financial statement in a form prepared and~~  
2 ~~provided to the public entity by the Contractors State License~~  
3 ~~Board, including a complete statement of the prospective bidder's~~  
4 ~~experience in performing public works. The standardized~~  
5 ~~questionnaire may not require prospective bidders to disclose any~~  
6 ~~violations of Chapter 1 (commencing with Section 1720) of Part~~  
7 ~~7 of Division 2 of the Labor Code committed prior to January 1,~~  
8 ~~1998, if a violation was based on a subcontractor's failure to~~  
9 ~~comply with these provisions and the bidder had no knowledge of~~  
10 ~~the subcontractor's violations. The Contractors State License~~  
11 ~~Board, in collaboration with affected agencies and interested~~  
12 ~~parties, shall develop guidelines for qualifying bidders, and prepare~~  
13 ~~the standardized questionnaire, that shall be used by public entities~~  
14 ~~for the purposes of this part. The Contractors State License Board,~~  
15 ~~in developing or revising the standardized questionnaire, shall~~  
16 ~~consult with affected public agencies, cities and counties, the~~  
17 ~~construction industry, the surety industry, and other interested~~  
18 ~~parties. The questionnaire and financial statement shall be verified~~  
19 ~~under oath by the bidder in the manner in which civil pleadings in~~  
20 ~~civil actions are verified. The questionnaires and financial~~  
21 ~~statements shall not be public records and shall not be open to~~  
22 ~~public inspection, except that records of the names of contractors~~  
23 ~~applying for prequalification status shall be public records subject~~  
24 ~~to disclosure under Chapter 3.5 (commencing with Section 6250)~~  
25 ~~of Division 7 of Title 1 of the Government Code.~~

26 ~~(b) Any public entity requiring prospective bidders to complete~~  
27 ~~and submit questionnaires and financial statements, as described~~  
28 ~~in subdivision (a), shall adopt and apply a uniform system of~~  
29 ~~qualifying bidders on the basis of the completed questionnaires~~  
30 ~~and financial statements, in order to determine both the minimum~~  
31 ~~requirements permitted for qualification to bid, and the type and~~  
32 ~~size of the contracts upon which each bidder shall be deemed~~  
33 ~~qualified to bid. The uniform system of qualifying prospective~~  
34 ~~bidders shall be based on objective criteria, and shall take into~~  
35 ~~account factors including, but not limited to, the size and contract~~  
36 ~~volume of a prospective bidder, so as to equally apply factors used~~  
37 ~~to determine the qualifications of a bidder on a weighted basis.~~

38 ~~(c) A public entity may establish a process for prequalifying~~  
39 ~~prospective bidders pursuant to this section on a quarterly basis~~  
40 ~~and a prequalification pursuant to this process shall be valid for~~

1 three calendar years following the date of initial prequalification  
2 if the public entity determines that the information in the  
3 prequalifying questionnaire has not substantially changed during  
4 the three-year period of time.

5 (d) Any public entity requiring prospective bidders on a public  
6 works project to prequalify pursuant to this section shall establish  
7 a process that will allow prospective bidders to dispute their  
8 proposed prequalification rating prior to the closing time for receipt  
9 of bids. The appeal process shall include the following:

10 (1) Upon request of the prospective bidder, the public entity  
11 shall provide notification to the prospective bidder in writing of  
12 the basis for the prospective bidder's disqualification and any  
13 supporting evidence that has been received from others or adduced  
14 as a result of an investigation by the public entity.

15 (2) The prospective bidder shall be given the opportunity to  
16 rebut any evidence used as a basis for disqualification and to  
17 present evidence to the public entity as to why the prospective  
18 bidder should be found qualified.

19 (3) If the prospective bidder chooses not to avail itself of this  
20 process, the proposed prequalification rating may be adopted  
21 without further proceedings.

22 (e) For the purposes of subdivision (a), a financial statement  
23 shall not be required from a contractor who has qualified as a Small  
24 Business Administration entity pursuant to paragraph (1) of  
25 subdivision (d) of Section 14837 of the Government Code, when  
26 the bid is no more than 25 percent of the qualifying amount  
27 provided in paragraph (1) of subdivision (d) of Section 14837 of  
28 the Government Code.

29 (f) Nothing in this section shall preclude an awarding agency  
30 from prequalifying or disqualifying a subcontractor. The  
31 disqualification of a subcontractor by an awarding agency does  
32 not disqualify an otherwise prequalified contractor.

33 (g) The Contractors State License Board shall develop and  
34 maintain a database of contractors and subcontractors that are  
35 qualified to bid on a public works project that may be accessed by  
36 public entities subject to this part.

37 SEC. 2. If the Commission on State Mandates determines that  
38 this act contains costs mandated by the state, reimbursement to  
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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